

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,
Plaintiff,

v.

JOSE ALFREDO ADAMES-ALMONTE,
Defendant

CRIM. NO. 17-035 (PAD)

UNITED STATES' SENTENCING MEMORANDUM

TO THE HONORABLE COURT:

The United States of America, by and through the undersigned attorneys, very respectfully states and prays as follows:

I. INTRODUCTION

On August 29, 2017 defendant Jose Alfredo Adames-Almonte pled guilty to the One-Count of the Indictment (Reentry of Removed Aliens), in violation of Title 8, *United States Code*, Sections 1326(a) and (b)(2), by way of a straight plea.

The United States agrees with the Probation Officer's calculation of the sentencing guidelines as contained in the Presentence Investigation Report (DE No. 39) and, in consequence, it respectfully submits that a **sentence of 16 months**, equal to the upper end of the applicable guidelines of an Adjusted Total Offense Level of 10, followed by a Term of Supervised Release of three (3) years, as required by law, is sufficient but not greater than necessary, would address the seriousness of the offense and achieve the necessary deterrence.

II. FACTUAL BACKGROUND

On January 20, 2017 at approximately 3:13 PM, a United States Coast Guard (USCG) Cutter intercepted a vessel, northwest from the coast of Aguadilla, with thirty subjects who claimed to be undocumented aliens, including defendant, Jose Alfredo ADAMES-Almonte. A fingerprints check in the biometrics system revealed that ADAMES-Almonte, had previous immigration and/or criminal history.

November 24, 1997, ADAMES-Almonte was convicted for Criminal Possession of Controlled Substance 5 (NY 220.6), and sentenced to a conditional discharge and license suspension 6 months.

On March 24, 1998, ADAMES-Almonte was convicted for Conspiracy to Commit Drug Offence (NJ 2C; 35-5), and sentenced to 98 days' jail, followed by 3 years' probation and 150 community service.

On November 13, 2002, ADAMES-Almonte was convicted for Criminal Possession Controlled Substance 7 (NY220.03), and was sentenced to 3 days' jail and license suspension of 6 months.

Only six months later, On May 21, 2003, ADAMES-Almonte was convicted for Criminal Sale Controlled Substance (NY 220.31), and was sentenced to two (2) to four (4) years jail and license suspension of 6 months.

On December 03, 2010, ADAMES-Almonte was convicted in the Superior Court at Bridgeport, CT, (under the alias Jose Luis Castillo-Morales) for Possession with Intent to Sell or Dispense Cocaine, in violation of C.G.S. section 21a-277(a) and sentenced to a term of imprisonment of 10 years, and 5 years' probation.

Following the last conviction, On July 20, 2011, ADAMES-Almonte was issued an Order of Removal by an Immigration Judge and was formally removed on August 10, 2011 to the Dominican Republic.

III. PENALTIES

The maximum penalties for COUNT ONE include a term of imprisonment of not more than twenty years (20) years; a term of supervised release of no more than three (3) years; and a fine not to exceed \$250,000.00.

IV. SENTENCING RECOMMENDATION

According to this defendant's behavior reflected in his criminal and immigration history, and as validated by the independent investigation performed by the U.S. Probation Office and contained in the Presentence Investigation Report (DE No. 39), the defendant has shown a clear disregard for the law even when the Court has given him the opportunity to make amends.

Given the defendant's Criminal History Category III, the term of imprisonment provided by the guidelines is between 10 and 16 months of imprisonment. There is no reason why this Court should adopt a lenient approach when imposing sentence in this case.

For these, reasons, the United States, very respectfully submits that a **sentence of 16 months**, equal to the higher end of an ATOL of 10, followed by a Term of Supervised Release of three (3) years, is sufficient but not greater than necessary, reflects the seriousness of the offense and would achieve the necessary deterrence.

WHEREFORE, the United States, very respectfully, recommends that this Court sentence the defendant to **16 months of imprisonment**, followed by a Term of Supervised Release of three (3) years.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 11th day of March 2018.

ROSA EMILIA RODRIGUEZ-VÉLEZ
United States Attorney

s/ Cristina Caraballo-Colón
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel for the defendant.

s/ Cristina Caraballo-Colon
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